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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,150	08/27/2004	James Anderson	81101894 / FMC 1772 PUS	5149
28395	7590	01/16/2008		
BROOKS KUSHMAN P.C./FGTL			EXAMINER	
1000 TOWN CENTER			GATES, ERIC ANDREW	
22ND FLOOR				
SOUTHFIELD, MI 48075-1238			ART UNIT	PAPER NUMBER
			3722	
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			01/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,150

Applicant(s)

ANDERSON ET AL.

Examiner

Eric A. Gates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☒ Claim(s) 2 and 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed 6 November 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuriki et al. (U.S. Patent Publication 2001/0011055 A1).
4. Regarding claim 1, Kuriki et al. discloses a machining system 1 having a machining envelope, the machining system comprising: a housing 19 defining at least a portion of the machining envelope; a hopper 11 having a top surface 15 defining an opening (the opening is defined as the area to the right of 15 in figure 2); and a seal 32 extending from the top surface to the housing (as seen in figure 2) such that the seal does not extend into the opening and such that the seal encompasses the opening; wherein the hopper is configured to receive particulates when positioned below the machining envelope.
5. Regarding claim 4, Kuriki et al. discloses a bottom panel (bottom portion of 11 between legs 12) and at least one channel adapted to receive a forklift fork

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disposed proximate the bottom panel (the area between legs 12 is adapted such that it could receive a forklift fork).

6. Regarding claim 5, Kuriki et al. discloses a funnel 19b adapted to direct particulates into the hopper 11 disposed on the housing above the hopper and below the machining envelope (as seen in figure 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriki et al. in view of Stolzer et al. (U.S. Patent 5,115,599).

9. Regarding claim 3, Kuriki et al. discloses wherein the hopper 11 further comprises a bottom panel (see figure 1). Bratten does not disclose a set of wheels disposed proximate the bottom panel.

Stolzer et al. teaches the use of wheels 14 on a workpiece handling system 10 for the purpose of enabling the system to be mobile. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the machining system of Kuriki et al. with the wheels of Stolzer et al. in order to have a system that can be moved for maintenance or to allow for another system to be brought in.

Allowable Subject Matter

10. Claims 2 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 17-20 are allowed. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent 6,116,616 to Bratten, which was applied to the claims in the office action mailed 14 September 2007. Suffice it to say, the patent to Bratten does not disclose "a seal disposed on the top surface such that the seal extends completely around and is spaced apart from the second aperture" as claimed in independent claim 17, and as such does not anticipate the instant invention as disclosed in independent claim 17.

Furthermore, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Bratten, and thus, for at least the foregoing reasoning, the prior art of record does not render obvious the present invention as set forth in independent claim 17.

Response to Arguments

12. Applicant's arguments with respect to claims 1 and 3-5 have been considered but are moot in view of the new ground(s) of rejection.

13. For the reasons as set forth above, the rejections are maintained.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Di Pierro et al. discloses a chopping device with a hopper and a seal.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is (571) 272-5498. The examiner can normally be reached on Mon-Thurs 8:45 - 6:15.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG
9 January 2008


MONICA CARTER
SUPERVISORY PATENT EXAMINER